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**Attorney for Plaintiffs**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

**ROBERT PROBERT** and **LORETTA E. PROBERT**, and others similarly situated,

Plaintiffs,

VS.

**FAMILY CENTERED SERVICES OF  
ALASKA, INC. and DOES I to X, (Managerial  
Employees Jointly Liable)**

### Defendants.

Case No. 4:07-cv-00030-RRB

**DECLARATION BY LORETTA PROBERT**

I, LORETTA PROBERT, declare and state that:

1) I am an adult resident of the State of Alaska, fully competent to testify and I testify about the following facts upon my personal knowledge.

2) I was employed as a "houseparent" by Defendant, Family Centered Services of Alaska, Inc. (hereafter FCSA).

3) FCSA received more than 50% of its income from this service, *to wit*, Medicaid payments. Every day we filled out the med / billing notes from which the billing to Medicaid was derived. Every two weeks there was a Quality Assurance program to be certain our med notes would qualify for Medicaid reimbursement. We also knew which child had personal insurance because the procedure for picking up medications differed. I kept track of the file for the child and these included personal insurance cards and Medicaid information. The majority of the kids were on Medicaid. When picking up medications we could tell if it was Medicaid paid because had to give the pharmacist a special sticker. It was strongly emphasized that we needed to bill in accordance with Medicaid requirements so that the FCSA could get paid. We were encouraged to provide out of home activities because Medicaid paid more than when the service was performed outside the home. In order for the child to receive his or her medications, he or she, needed a Medicaid sticker. Unless they came in the mail, I picked up these stickers at the Public Assistance office at the State Building and almost all clients had Medicaid stickers. I accompanied my husband to pick up the stickers because these children were not sufficiently stable to be left alone for any time at all. We also were continuously reminded that certain actions were covered by Medicaid and certain other actions were not. Our supervisor, Sandy Grissom, reminded us that we were expected to differentiate these actions in the notes and

instructed to maximize the billing to Medicaid whenever possible. The 2005 Annual Report demonstrates this at page 15 where it says that 66% of the revenues came from Medicaid. (2005 Annual Report, p. 15, Exh. 1).

4) The individual residents were either referred by a psychiatrist, psychologist, or physician or seen for evaluation by one of these classes of people, shortly after their arrival. Often the child would have been referred by North Star Behavioral in Anchorage. This is a lockdown psychiatric hospital where all the patients are being treated by a full battery of psychotherapists, including psychiatrists and psychologists. I could tell this because these providers' notes were included in the medical record, especially the discharge summary from the facility. I was expected to familiarize myself with this record as part of my job caring for the children referred. When occasionally the child came without such a referral our battery of psychological professionals, including clinicians who might or might not be psychologists, a psychologist, a psychiatrist and a medical doctor would examine and test the new entry shortly after arrival and jointly reach a conclusion about the care and procedures to apply to benefit the patient's medical and physiological conditions, *to wit*, mental illnesses or emotional disturbances, however you want to say it. We were responsible to take the new admission to his or her appointments for evaluation. I have examined the



2005 Annual Report and find on page 15 a pie chart indicating that 66% of the FCSA revenue came from Medicaid. (2005 Annual Report at 15, Exhibit 2)

5) FCSA's lawyers keep saying that a "Clinician" saw these kids and evaluated them, and not a psychiatrist, psychologist or physician. What qualifications does the "clinician" have? Typically a clinician was a psychologist or a Licensed Clinical Social Worker. The team relied heavily on the transferred medical records and psychological history as provided by the institution where the child was placed before being accepted at FCSA. I know this because I was expected to read these medical and psychological records. The treatment team is composed of the coordinator, guardian *ad litem*, at least one biological parent if available, house parents, the clinician (psychologist or Licensed Clinical Social Worker), psychiatrist. Consequently, the former treating psychologist and/or psychiatrist at the former treating institution was the usual route of referral and evaluation. In the event that the referral was not from a psychiatric institution our treatment team reviewed all available medical and psychiatric material available. That team included a psychiatrist and an outside psychologist to advise the team. I know these things because I was part of the team and expected to be intimately familiar with the history of the client as reflected in the materials gathered or created on site. Also, we took the children to the appointments where these evaluations and tests would be had.

6) Some of the residents were Alaska children transferred from non-Alaskan institutions. I observed this on the discharge summary from the last placement and I could observe that it had been outside Alaska.

7) The persons were all mentally ill. Many, or most of these children were referred from an inpatient psychiatric hospital and have been assigned an AXIS I clinical condition, or an AXIS II personality disorder. Most had multiple diagnoses. The children have been classified as severely affected by the diagnosed mental disorder and their functioning is severely impacted. I know this because I observed the medical records of the patients as part of my duties and observed that the children exhibited severe psychological dysfunction which was the reason they were placed with us. I was responsible for maintaining their files. We were the alternative to in-patient psychiatric hospitalization for the child. This is found right in the FCSA mission statement.

8) The primary reason FCSA exists is to care for SED children. One need only examine the questionnaire given to some potential employees to see that SED children were the focus of FCYS. (Grimes Questionnaire, Exhibit 3) All of our clients were SED. I was trained specifically to deal with SED children. I have read the 2005 Annual Report where on page 9 it says that the Therapeutic Family Homes exist to provide care to children experiencing mental health and

behavioral issues and are at imminent risk of psychiatric placement elsewhere.

(Exh 4, 2005 Report at 9)

9) I often worked more than 40 hours per week in my job at FCSA. (Exh. 5, example.)

### **Declaration**

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on July <sup>27</sup>~~14~~<sup>LP</sup>, 2008.

Loretta Probert  
Loretta Probert

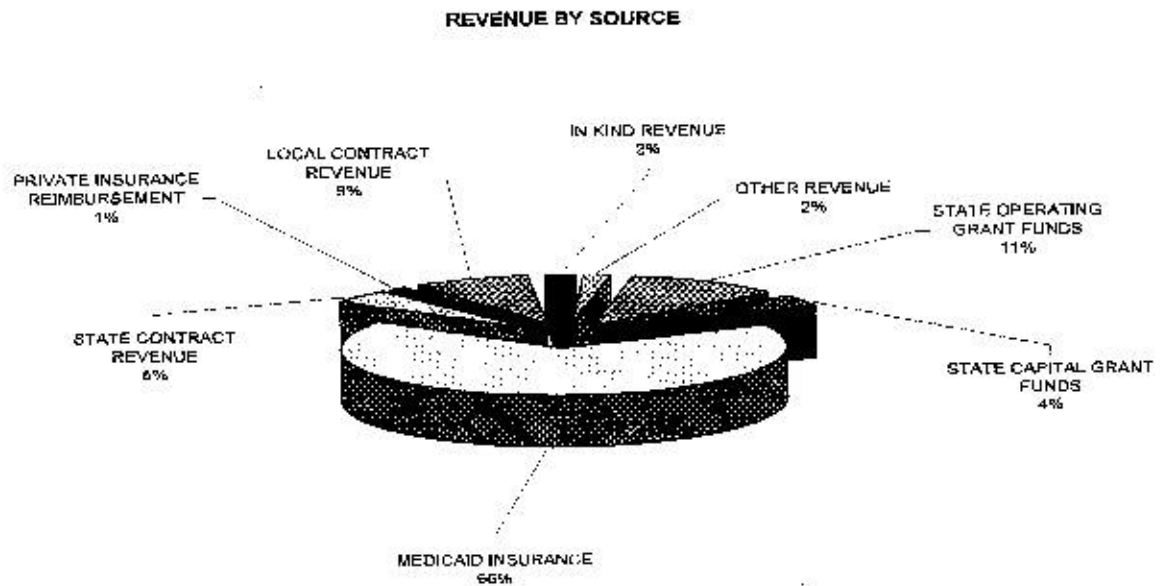
# **ANNUAL REPORT 2005**

## **Family Centered Services of Alaska**

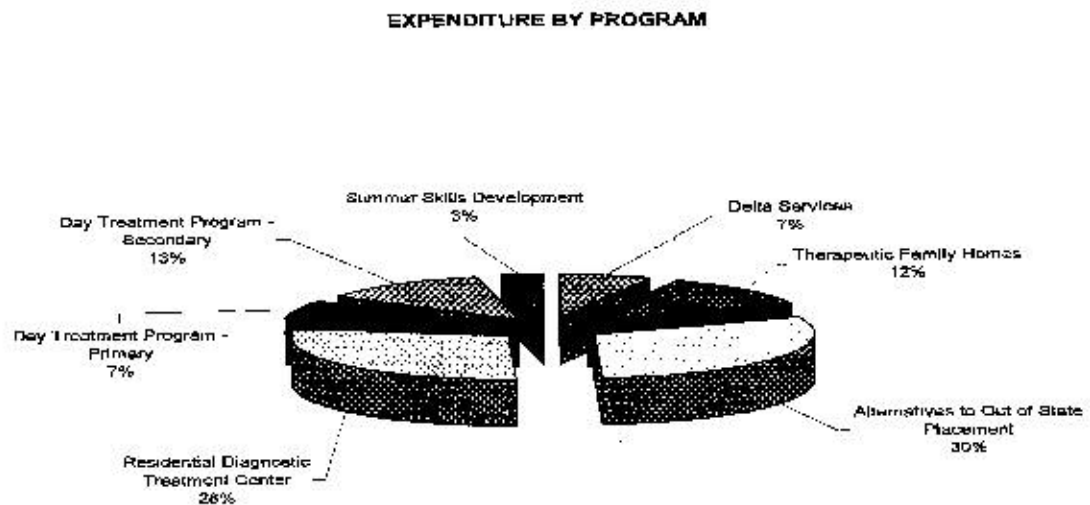


**Family Centered Services of Alaska  
620 5<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
Fairbanks, AK 99701-4512  
(907) 474-0890  
[cmassingill@familycenteredservices.com](mailto:cmassingill@familycenteredservices.com)**

**Revenue by Source:**

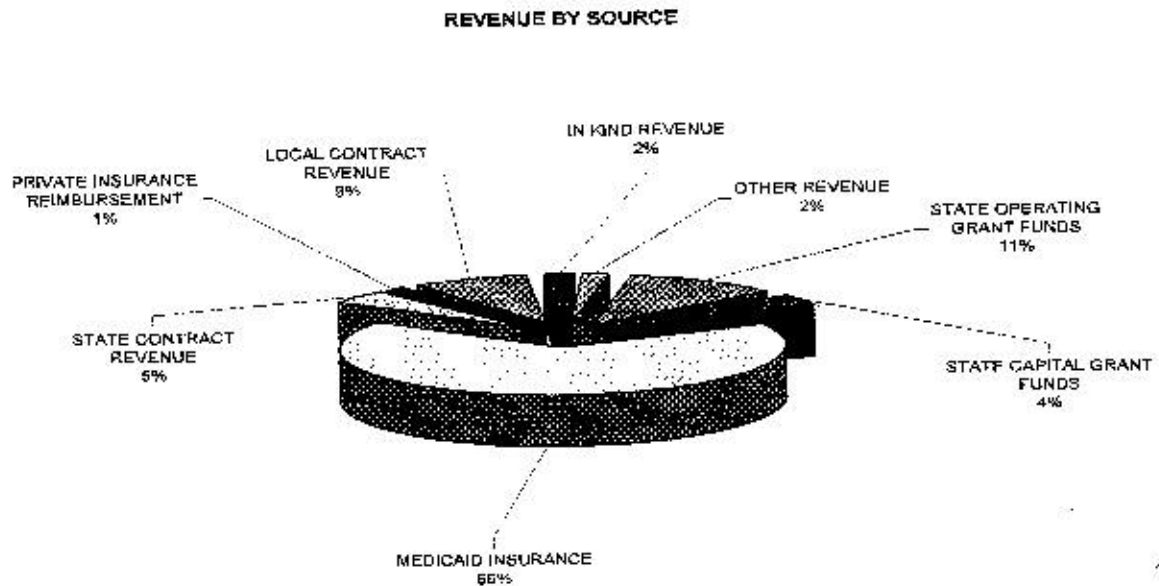


**Expenditure by Program:**

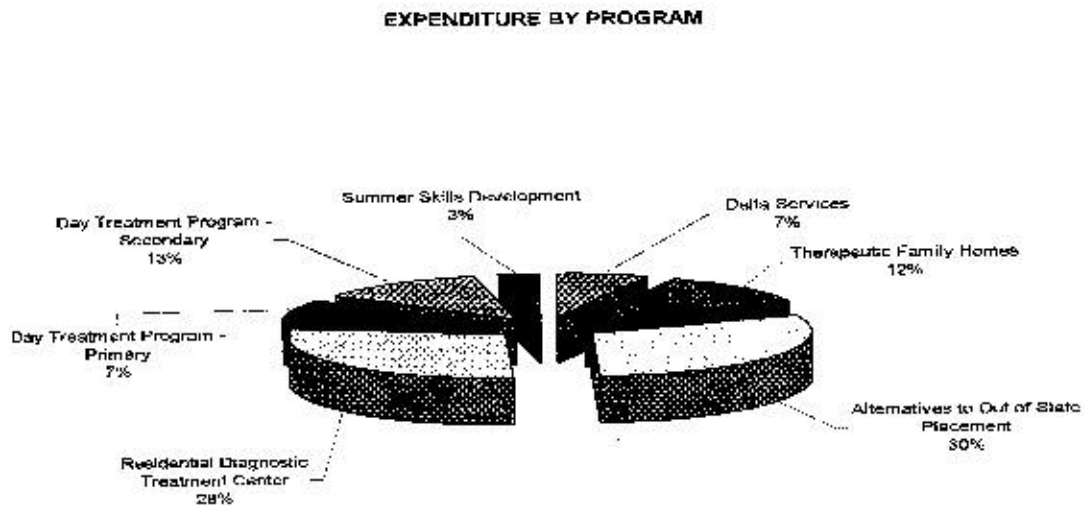




**Revenue by Source:**



**Expenditure by Program:**



John Foster Wallace  
McCONAHY, ZIMMERMAN & WALLACE  
711 Gaffney Road, Suite 202  
Fairbanks, AK 99701  
(907) 452-2211  
(907) 456-1137 facsimile  
[foster@mzwlaw.com](mailto:foster@mzwlaw.com)

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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT FAIRBANKS

ROBERT PROBERT and LORETTA E.  
PROBERT, and others similarly situated,

Plaintiffs,

vs.

FAMILY CENTERED SERVICES OF  
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Defendant.

Case No.: 4:07-CV-00030 RRB

**FIRST SUPPLEMENT TO FAMILY CENTERED SERVICES OF ALASKA, INC.'S  
CIVIL RULE 26 INITIAL DISCLOSURES**

Family Centered Services of Alaska, Inc., by and through its attorneys of record, the law office of McConahy, Zimmerman & Wallace, hereby supplement their disclosures pursuant to the Federal Rule of Civil Procedure as follows:

**B. Relevant Documents, Data Compilation and Tangible Things**

Attached are copies of personnel files for Donna Grimes and John Grimes. Documents are bates numbered FCSOA-00359 through FCSOA-00419.

## Family Centered Services of Alaska

Therapeutic Family Home Interview QuestionsApplicant Name(s): Dana & John GrimesDate: 9/28/05Interviewers: Sam Doherty / Lorrie Helder

- 1). Please describe any education, training, work experience or volunteer work that you have relevant to this position.

Was in parents @ therapeutic schools - Both have  
worked @ Non-pro. pub. - Schools

- 2). What interests you about this job?

fulfillment + enjoyment working with kids.  
working w/ patients instead of older kids.

- 3). One of the responsibilities of the TFH Parent(s) is to implement a behavior management plan to assist client's in following the house rules. What behavior management plans/techniques have you used in the past?

Points - rewards - 1- 30 (max) - Set home @ 5.0 pts

Assign chores to the old Pts.

Positive reinforcement - no more no consequences

- 4). The position of the Therapeutic Parent(s) requires that you live on-site with the clients. What challenges do you foresee residing with five SFD youth?

Not having worked w/ SFD - not sure what challenges -  
for sure burnout is a challenge

Family Centered Services of Alaska

Therapeutic Family Home Interview Questions

Applicant Name(s): John & Donna Grimes

Date: 9-28-05

Interviewers: Lonnie / SUSZAO

- 1). Please describe any education, training, work experience or volunteer work that you have relevant to this position.

Junior College / Computer  
Secretarial School

- 2). What interests you about this job?

House Parents

- 3). One of the responsibilities of the TFH Parent(s) is to implement a behavior management plan to assist client's in following the house rules. What behavior management plans/techniques have you used in the past?

Positive Reinforcement Consistent

- 4). The position of the Therapeutic Parent(s) requires that you live on-sight with the clients. What challenges do you foresee residing with five SED youth?

Unknown - Burnout - Ask for help  
make time for yourself.



The YESS schools are committed to educating the student as a whole person, accounting for who they are as an individual to foster success academically and beyond. YESS boasts an excellent student-teacher ratio that allows for necessary one-on-one attention not available to children and youth with high need levels in traditional educational institutions. By assisting students to work on behavioral goals and academic assignments, they are better equipped to return to and be successful in a less restrictive school environment. Alternatively, older students who have not been successful elsewhere work on their studies in an effort to graduate from high school and prepare themselves for life after public school.

YESS is proud to provide students with exciting and adventurous opportunities in which to foster personal growth that children in FCSA services would not typically be exposed to.

*One example of the awesome opportunities afforded to FCSA clients through the YESS program, includes participating in W.I.L.D. About Denali, in which up to ten children and youth road-trip to Denali Park to experience the majestic Alaskan outdoors, complete with rafting, hiking, site-seeing and daily activities led by a Denali Foundation guide.*

Summer Skills Development staff work with the younger students during the summer months to develop, practice and maintain social and life skills requisite to healthy academic, familial and peer relationships. The SSD program is progressively designed to help children maintain contact with a school-like setting during summer vacations while addressing behavioral goals and developing skills for a successful return to school. The daily activities are fun and engaging and each day presents new and exciting adventures both indoors and outdoors. Participation is voluntary and each child chooses the activities they wish to participate in from a prepublished calendar of activities, field trips, and events.

The Work Study Skills program strives to instill sound work ethic and solid vocational skills for young adults by providing them with an opportunity to work in a paid position complete with benefits and responsibilities. Being successful at a job has proven very therapeutic for student workers, providing them with a positive employment experience while boosting their self esteem and resume. Additionally, students who choose to complete the necessary coursework can earn one high school credit. This comprehensive program runs for a ten week period during the summer and has been so successful with students that there is typically a wait list for participants.

#### **Therapeutic Family Home (TFH):**

FCSA's Therapeutic Family Homes provide quality residential care to male and female youth ages 12-18 who are experiencing mental health and behavioral issues and are at imminent risk of psychiatric placement outside of their community. The family atmosphere of the homes help children avoid the stigmatization that often accompanies youth living in an institutional setting. The homes are supervised by dedicated live-in parents who provide unconditional therapeutic care and supervision for up to five youth per home. FCSA currently operates one boy's home, one girl's home, and one boy's home for dual diagnosed youth, and is in the process of building

## FAMILY CENTERED SERVICES OF ALASKA, INC.

☒ Exempt EE <sup>36</sup> Hours <sup>40</sup>

Period Beginning: 11/19/06

Period Ending: 12/02/06

Print Name: Loretha Probert

Employee #: 5876  
(Last 4 digits of Social Security #)

	Sun	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Mon	Tues	Wed	Thur	Fri	Sat	TOTAL	Initials
Nov/Dec	19	20	21	22	23	24	25	26	27	28	29	30		1	2	
ATOP																
YFSS																
YFSS ELEM																
RRBT																
1340 Chena Ridge																
3933 Parks Ridge																
1513 Liatis																
1503 Liatis																
1513 Liatis	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	196
SSID																
DELTA SVCS																
ADMIN																
LEAVE																
HOLIDAY																
Total	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	196

+W=4



Staff Signature: Loretha Probert

Date 12/14/06

Supervisor:



Date 12/14/06